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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application No. 09/954,509

Applicant: Ohmshehe, et al.

Filed: September 14, 2001

TC/AU: 2141

Examiner: Shingles, Kristie D.

Docket No.: 213306

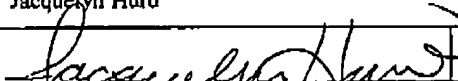
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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Sir:

Applicants request review of the final rejection, dated August 11, 2005, in the above-identified application. No amendments are being filed with this request. This request is being filed with a notice of appeal. An appeal brief has not yet been filed. This Pre-Appeal Brief Request For Review is submitted for the reason(s) stated on the attached sheets.

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Applicants traverse the final rejection of the pending claims. In an effort to minimize the issues addressed during this review, Applicants have primarily focused upon independent claims 1 and 17 due to clear errors in the Final Office Action regarding these claims. Applicants request pre-appeal brief review of the final rejection because: (1) the Glassman et al. U.S. Patent 6,453,305 (the Glassman '305 patent) neither discloses nor suggests Applicants' recited plant information portal server, and (2) the Glassman '305 patent neither discloses nor suggests session-based concurrent licenses (that persist for the duration of a user's logon session on the portal server). Each of these grounds for Applicants' Pre-Appeal Brief Request For Review is addressed herein below.

Applicants' Claimed Invention (Representative Currently Pending Claim 1)

1. A method for administering a session-based concurrent user licensing agreement on a manufacturing/process control information portal such that a single logon during a session persists across multiple distinct resources to which access is provided via a plant information portal server, the method comprising the steps:

- receiving, by the plant information portal server, an access request for a resource for which a license is required;

- invoking, based upon a code within a sequence of commands associated with the requested resource, a license manager associated with restricted resources associated with the plant information portal server, the license manager performing, for the purpose of granting, if needed, one of potentially multiple available session-based concurrent licenses, a set of further steps including:

- first confirming that an identified source associated with the request needs a concurrent license;
- second confirming that a concurrent license is available to assign to the identified source; and
- adding the identified source to a list of session-based concurrent license users to which a session-based concurrent license is assigned.

Applicants' currently pending claim 1 (reproduced above) is directed to a method for administering a multi-user license in a manufacturing/process control information environment wherein a set of distinct resources are initially accessed via a portal server. The claimed method is implemented by a plant information portal server and license manager. The plant information portal server provides initial access to multiple distinct resources. The license manager administers limited access to the multiple distinct resources through the use of session-based concurrent licenses. Furthermore, individual ones of the multiple session-based concurrent licenses, once granted/assigned, persist with a session associated with the identified request source.

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According to the recited steps of claim 1, the license manager is invoked based upon a code within a sequence of commands (e.g., a script) associated with a requested one of multiple resources accessed via the plant information portal server. Thereafter, the license manager confirms that the source of the requested resource needs one of the concurrent licenses. An additional license is not provided if a license is already assigned to the identified source's session. The license manager also performs a step of confirming the availability of one of the multiple user licenses. Finally, as part of the license assignment process, the license manager adds the identified source to a list of concurrently licensed user sessions. Independent claim 17 is directed to computer-readable media including computer executable instructions for carrying out the steps recited in claim 1.

The Glassman '305 patent does not disclose all elements of Independent Claims 1 and 17

Applicants' respectfully submit that the Glassman '305 patent does not disclose at least two aspects of Applicants' claimed invention recited in independent claims 1 and 17. First, the Glassman patent does not disclose a "plant information portal server" that provides access to manufacturing/process control information resources. Second, the Glassman patent does not disclose a *session-based* concurrent license that persists for the duration of a logged on user's session with the portal server. The portal session-based persistence enables the user to pass from one restricted resource to another restricted resource within the scope of the plant information portal server's set of information resources. Each of these two points of distinction is addressed further below.

a. "Plant Information Portal Server"

Referring first to the elements of the preamble and "receiving" step, the Glassman '305 patent neither discloses nor even remotely suggests a "plant information portal server." The plant information portal server is described by Applicants in their Background and written description of FIG. 1. In the illustrative example, the plant information portal server provides access to manufacturing/process control information through, for example, a data access server (providing live/streaming access to process control equipment in a plant) and a database server (containing archived manufacturing/process control information).

In contrast to Applicants' claimed plant information portal server, the Glassman '305 patent discloses/suggests administering multi-user access to static content (e.g., reference materials, on-line publications, etc.) stored as files in a library environment. The Glassman

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'305 patent provides examples wherein static content is provided on a CD-ROM to which an N-concurrent user license restriction is applied (see, col. 5, lines 34-47). In contrast Applicants' recited plant information comprises, for example, real time process control/status information that is dynamic by nature and not likely to maintained as a "library" of stored static content.

Moreover, the Glassman '305 patent does not even disclose a "portal" or "portal server." The claimed invention is directed to "administering a session-based concurrent user licensing agreement on a manufacturing/process control information portal." In addition to the general understanding in the art of portal functionality provided by such well known sites as "Yahoo", "MSN", etc., Applicants also describe general traits of a portal site/server at paragraphs 8 and 9 of their published application US 2002/0069172 A1. A "portal server" is neither mentioned nor described anywhere in the Glassman '305 patent. If the presently pending rejection is not withdrawn, Applicants request identification of the specific teaching of a portal in the Glassman patent.

b. "Session-Based Concurrent License"

Applicants claimed invention includes a "session-based concurrent license." As noted in the preamble of claim 1, the "session-based" concurrent user license enables a user to access, through a single logon, multiple distinct resources to which access is provided via a plant information portal server. The term "session" is not mentioned anywhere in the Glassman '305 patent. Nor is the term "logon", indicative of a user session, mentioned in Glassman. The Glassman patent simply does not disclose allocating a license to a user's logon session which, in turn, allows access to a set of distinct resources to which access is provided via the plant information portal server. If the presently pending rejection is not withdrawn, Applicants request identification of the specific teaching of a session-based concurrent license that persists with a user's logon session on the portal server.

Applicants have focused upon independent claims 1 and 17 in this request for review. However, several elements recited in the dependent claims are not disclosed in the Glassman patent. Such dependent claim elements include, for example: persistence of an assigned license across requests directed by a logged on user to multiple distinct resources accessed via the portal, separating "access grant" and "license management" functionality into two separate executable components, conditionally invoking the license manager, invoking the

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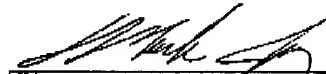
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manager on an individual resource basis, and implementing the license manager as a service separate from a requested resource.

Conclusion

The cited Glassman patent neither discloses nor suggests elements recited in Applicants' presently pending independent claims. In particular, Glassman does not disclose either a plant information portal server or a user session-based concurrent user license on the portal. For at least these reasons, withdrawal of the final rejection is requested.

Respectfully submitted,



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213306 Pre-Appeal Brief